



OIA22-0654

6 September 2022

Grace Haden
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Tēnā koe Grace

I refer to your email of 26 July 2022, addressed to Hon David Parker, Hon Stuart Nash, Hon Meka Whaitiri, and Hon Damien O'Connor. Your email included a link to a letter containing 35 questions, labelled as 'OIA questions'.

On 9 August 2022, the Associate Minister for Agriculture (Animal Welfare), Hon Meka Whaitiri, transferred your 35 questions to the Ministry for Primary Industries (MPI) for consideration under the Official Information Act 1982 (OIA).

I note that a number of your questions relate to the Royal New Zealand Society for the Prevention of Cruelty to Animals Incorporated (SPCA) investigation and subsequent prosecution of Barbara Glover and Janine Wallace for animal welfare offending.

As I advised you in my letter of 19 July 2022, the District Court has made decisions regarding both the SPCA's seizure and disposal of Ms Glover and Ms Wallace's dogs and the SPCA's prosecution of Ms Glover and Ms Wallace. MPI was not a party to those proceedings. The Courts are the proper forum for Ms Glover or Ms Wallace to raise concerns regarding the seizure, disposal and prosecution. It would be inappropriate for MPI to question, or seek to look behind, any findings made, processes adopted, or orders granted by the Courts in those proceedings.

The SPCA is a private incorporated society and an 'approved organisation' under the Animal Welfare Act 1999 (AWA). As a private organisation the SPCA is not subject to the OIA. As the SPCA is an approved organisation, it and its animal welfare inspectors are empowered to conduct compliance and enforcement activities under the AWA.

Therefore, MPI does not have direct oversight over investigations or referrals for prosecution by the SPCA, and so we do not hold much of the information you have requested.

MPI's oversight of the SPCA involves:

- undertaking annual audits of the SPCA's compliance with the provision of the AWA relevant to its approved organisation status (as well as auditing the SPCA's compliance with the Memorandum of Understanding between MPI and the SPCA (MOU) and with performance and technical standards for the SPCA's inspectors and auxiliary officers;
- under delegated authority from the responsible Minister, appointing or renewing the appointment of SPCA animal welfare inspectors;
- appointing or renewing the appointment of SPCA auxiliary officers; and

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- approving the performance and technical standards under which SPCA animal welfare inspectors and auxiliary officers operate.

I have quoted and responded to your questions below.

1. *The last MOU with the RNZSPCA was in 2019 when the member societies and branches existed, is there a new MOU to reflect that there is now only one organisation if so please provide one.*

The most recent MOU between MPI and the SPCA is dated 29 November 2021. Please find a copy of the MOU attached with this letter as Appendix One.

2. *Is the Ministry aware of the total number of members of the RNZSPCA if so,*
 - a. *how many members do they have in each category and*
 - b. *how many people attended their last AGM?*

With reference to section 18(g) of the OIA, MPI is not aware of the membership or annual general meeting (AGM) attendance numbers for the SPCA.

3. *Does the Ministry have a copy of the last two years AGM for the RNZSPCA if so please provide these?*

I have interpreted your request for “a copy of the last two years AGM for the RNZSPCA” to be a request for the minutes for the last two AGMs of the SPCA. With reference to section 18(g) of the OIA, MPI does not hold this information.

4. *Please provide a copy of the latest audit of compliance with the Act.*

Please find a copy of MPI’s latest audit of the SPCA attached as Appendix Two.

Some information has been withheld under section 9(2)(a) of the OIA - to *protect the privacy of natural persons*. I considered the public interest in release before deciding that there is good reason to withhold the information.

5. *Please provide all correspondence from the RNZSPCA to the Ministry advising/discussing their change of structure and change of constitution and how it reflects on the criteria.*

MPI is still in the process of collating and assessing the information for this part of your request. Accordingly, we are extending the time to respond to this part of your request under sections 15A(1)(a) and 15A(1)(b) of the OIA, because:

- this part of your request necessitates a search through a large quantity of information and meeting the original time limit would unreasonably interfere with the operations of the Ministry; and
- consultations necessary to make a decision on the request are such that a proper response to the request cannot reasonably be made within the original time limit.

MPI will respond to this part of your request by 12 October 2022, and earlier if possible.

6. *What investigations have been conducted by the Ministry on the financial aspects of the RNZSPCA and the involvement of public assets and potential to misuse those assets?*

As noted above, the SPCA is a private incorporated society. Therefore, its assets are not public assets.

In relation to financial matters relating to the SPCA, in 2020, MPI commissioned Deloitte to undertake a review of the SPCA's expenditure on its animal welfare regulatory function.

As noted above, MPI also performs annual audits of the SPCA. These audits relate to the SPCA's compliance with the provisions of the AWA relevant to its status as an approved organisation under the AWA, the MOU between MPI and the SPCA, and the SPCA's Performance and Technical Standards for inspectors and auxiliary officers. As advised above, the most recent annual audit report is attached with this letter.

- 7. Please provide all documents which relate to the apparent provision of SPCA powers to organisations such as the NZ Kennel Club and or seeking advice from outside organisations for prosecution by virtue of the statement "for example do you want me to lay a formal complaint against a member?" see here*

With reference to section 18(g) of the OIA, MPI does not hold the information which would fall within this part of your request.

- 8. It would appear that SAFE activists have infiltrated the RNZSPCA. What is the policy of MPI and what protection is there for the public to prevent for members of outside activist organisation holding a pivotal role in animal welfare?*

MPI staff (including those involved in animal welfare) are required to comply with the *Standards of Integrity and Conduct* for the States Service, available at <https://www.publicservice.govt.nz/resources/code/>. This includes requirements for staff to carry out the MPI's functions unaffected by their personal beliefs and ensure their actions are not affected by their personal interests or relationships.

Under the SPCA's Performance and Technical Standards, inspectors and auxiliary officers must be careful not to publicly participate in any activity that could be seen to jeopardise their impartiality when carrying out their duties.

- 9. What is the policy in providing seized animals to persons from outside organisation who are involved in raids and have a business which builds on that type of dog see here and here and see here and his FaceBook page <https://www.facebook.com/DeterDetectDefend/>.*

With reference to section 18(g) of the OIA, MPI does not hold the SPCA's policy on the re-homing of animals.

- 10. What MOU's exist between the RNZSPCA and other organisations which could conflict with the powers under the Animal Welfare Act?*

It is not clear what you mean by a memorandum of understanding (MOU) "which could conflict with the powers under the Animal Welfare Act". If you wish to clarify this part of your request, please email official.informationact@mpi.govt.nz.

- 11. What is the duty of the RNZSPCA to disclose MOU's or other agreements with third parties to MPI?*

As noted above, the SPCA is a private organisation. The SPCA does not have a specific duty to disclose MOUs or agreements made with third parties to MPI.

- 12. With regards to the 4 dogs kept at the pound [Zeta Paris Astro Mafia](#) and the dog whelping in the van what is the policy for prosecution the RNZSPCA for breaches of the Act and how are the complaints lodged?*

Information about reporting an animal welfare concern to MPI is available on our website at the following link: <https://www.mpi.govt.nz/contact-us/report-animal-welfare-concern/>.

Your concerns regarding a dog seized from Ms Wallace and Ms Glover giving birth to a puppy in a van and concerns regarding the SPCA's care of other dogs seized by the SPCA from Ms Wallace and Ms Glover and subsequently disposed of were raised in your letter to MPI of 8 June 2022. I responded to those aspects of your complaint on 19 July 2022.

At Minister Whaitiri's request, MPI is currently considering the concerns raised in your 26 July 2022 request to Ministers for an investigation into the suitability of the SPCA to hold statutory enforcement powers as an approved organisation under the AWA. This includes considering the concerns raised in that request, but not your 8 June 2022 letter to MPI, regarding the SPCA's care of dogs seized by the SPCA from Ms Wallace and Ms Glover and subsequently returned to them.

With reference to section 18(g) of the OIA, MPI does not have a policy specifically for the prosecution of the SPCA. MPI's general Organisational Prosecutions and Infringements Policy is available at [MPI Organisational Policy - Prosecutions and Infringements](#).

13. Please provide policies regarding SPCA vets and the ability to administer drug to the animals owned by other people without consultation and x-raying pregnant bitches?

With reference to section 18(g) of the OIA, MPI does not hold the information you have requested in this part of your request.

As I advised you in my 19 July 2022 letter, if you have any concerns regarding the actions or omissions of a veterinarian in relation to the dogs seized from Ms Glover and Ms Wallace, including any concerns regarding diagnostic or treatment methods a veterinarian used or did not use, the appropriate body to raise those concerns with is the Veterinary Council of New Zealand.

14. Please advise what procedures exist for ensuring that Inspectors comply with the law and how does a member of the public seek accountability and transparency for an Inspector's actions? Our complaints to the SPCA seem to be ignored.

As I advised you in my letter dated 30 June 2022, under the MOU between MPI and the SPCA, each party to the MOU is responsible for investigating and resolving any complaints about the actions or omissions of its own staff (unless the complaint relates to an SPCA inspector or auxiliary officer and the SPCA elects to refer the complaint to MPI for investigation).

Under sections 124 and 125 AWA, the Minister and the Director-General of MPI have the power to suspend or revoke the appointment of an inspector or auxiliary officer respectively.

Under the MPI/SPCA MOU:

- the SPCA is required to inform MPI in writing upon receipt of any complaint of a serious nature about an SPCA inspector or auxiliary officer and notify MPI of the outcome of its investigation of the complaint; and
- the SPCA is also required to provide MPI with any information requested by MPI to enable the Minister or Director-General to effectively exercise their powers to suspend or revoke the appointment of an SPCA inspector or auxiliary officer, with MPI committed to comply with the Privacy Act 2020 in respect of all such information.

15. What provision is there for Inspectors to demand the surrender of dogs through coercion as in the forced surrender of five dogs to the Auckland SPCA 4 August 2017 and what controls are in place to ensure that the dogs are not taken by the inspector or a valuable blood line swapped out for a less valuable blood line?

16. What provision is there for an inspector to use what appears to be blackmail to use the costs of the care of the dogs as a trade-off for surrender and silence? This was also done through the lawyers in exchange for a guilty plea on reduced charges.

In your 8 June 2022 letter to MPI, you alleged that SPCA staff:

- inappropriately sought, or obtained, surrender of dogs; and
- might have swapped out dogs seized for other dogs.

As I advised you on 29 June 2022, under the MOU between MPI and the SPCA, each party to that MOU is responsible for investigating and resolving any complaints about the actions or omissions of its own staff (unless the complaint relates to an SPCA inspector or auxiliary officer and the SPCA elects to refer the complaint to MPI for investigation). Therefore, MPI has referred those aspects of your complaint relating to alleged actions or omissions by current or former SPCA staff to the SPCA. Consistent with the terms of the MOU, I have asked the SPCA to notify the MPI of the outcome of any of your complaints which relate to the actions or omissions of an SPCA inspector or auxiliary officer.

17. What ability does an Inspector have to ignore the legislative requirementse.g., 143 AWA application for an enforcement order and instead taking dogs and disposing of them?

Animal welfare inspectors (including SPCA animal welfare inspectors) have a number of statutory powers which enable them to take possession of animals in appropriate circumstances. This includes powers to:

- take an animal into possession under s127(5) AWA; and
- seize an animal under the authority of a search warrant, under ss131 and 133(2) AWA and the Search and Surveillance Act 2012.

If you are concerned that the SPCA took possession of animals in a manner that did not comply with the AWA, you may wish to obtain legal advice.

However, the general position is that, if a number of enforcement options are potentially available, it is a matter of discretion for the relevant enforcement authority which of those options it takes.

18. Please provide a copy of a valid search warrant and any documentation which will enable a person to identify if a search warrant under Section 131 is legitimate e.g. should it have a signature of a person on it who can issue a search warrant and how do we check if that person is capable of issuing a search warrant? see warrant used here

With reference to section 18(e) of the OIA, MPI does not hold a document suitable for the purpose of comparison to determine the legitimacy of a particular search warrant.

If you have concerns about the legitimacy of a search warrant, you should consider seeking legal advice.

19. What action was taken with regards to the invalid search warrant, a copy dated a year earlier and not signed executed and why was a full inventory not provided, this seizure captured on Body Worn Camera footage (not uploaded but available for MPI) shows a multitude of documents including defence material seized and inventory was provided. Please provide the full policy on search warrants which existed in 2018.

With reference to section 18(g) of the OIA, MPI does not hold any information which would fall within this part of your request.

In particular, MPI does not hold a copy of the SPCA's policy on the use of search warrants.

20. What provision is there and what are the consequence of non-compliance with enforcing a Section 130 notice through seizure and not applying to the court for an enforcement order where the time frame in which to comply had not expired?

If you are concerned that the SPCA made an enforcement decision that did not comply with the AWA, you may wish to obtain legal advice.

However, the general position is that, if a number of enforcement options are potentially available, it is a matter of discretion for the relevant enforcement authority which enforcement steps (if any) to take and (subject to any specific statutory limitations) when to take those steps.

21. In 2019 a number of dogs were taken without documentation they were returned by Inspector Tracy Phillips. Please advise what investigations were carried out with regards to the unlawful seizures of those dogs? Did the SPCA report back to MPI or was this concealed by them?

With reference to section 18(g) of the OIA, MPI does not hold any information which would fall within this part of your request.

22. The puppies which were born in the SPCA to Debbie and Desni were disposed of under Section 136 A Please advise who instructed the disposal of those puppies and how could the legislation have been applicable when they were neither seized not subject to prosecution, please advise how we can make a complaint and be heard as this has repeatedly been ignored?

With reference to section 18(g) of the OIA, MPI does not hold the information you have requested in this part of your request.

If you have concerns regarding a District Court decision authorising the disposal of puppies by the SPCA under s136A AWA, you may wish to obtain legal advice.

23. Noncompliance to the Bill of Rights and Prosecution Guidelines: what enforcement / accountability measures exist to ensure compliance and who oversees the action to seek accountability for non-compliance?

It is unclear from your request in what way you consider the SPCA failed to comply with the Solicitor General's Prosecution Guidelines. Therefore, it is not clear what information you are asking MPI to provide in response to the part of this question which relates to those Guidelines. If you wish to clarify this part of your request, please email official.informationact@mpi.govt.nz.

If you are concerned that the New Zealand Bill of Rights Act 1990 has been breached, you may wish to obtain legal advice.

24. The RNZSPCA is a private organisation with a select membership (as per their constitution) They were represented by the Crown Solicitors but no Section 187 notice was filed and there is nothing to indicate that the Crown could represent the RNZSPCA and even less allege that this was entitled to intituled the Queen v. Documents were filed as the Crown and the transcript of the hearing refers to "Crown" no less than 20 times.

- a. What measures are in pace to prevent this private organisation of misrepresenting itself to the court as a Crown Entity?*
- b. And what exemption exists to allow an inspector to file charges on behalf of the society without referring to Section 12 Criminal procedure act Please note that the*

Criminal Procedure Act came into existence in 2011 well after the 1999 Animal Welfare Act?

With reference to section 18(g) of the OIA, MPI does not hold information which would fall within this part of your request.

MPI understands that you have raised concerns with the Attorney General regarding Crown Solicitors representing the SPCA in the proceedings brought against Ms Wallace and Ms Glover and that Crown Law has responded to you in relation to those matters.

If you have any concerns regarding the charging documents filed in particular proceedings you may wish to seek legal advice.

25. *Re The sentencing decision again is R v there are procedures which protect both Private Prosecutions and Crown Prosecutions, it would appear that by an Inspector going straight to the Crown Solicitor both accountability processes have been avoided. Resulting in false representation that this Private organisation is a Crown Entity, this resulted in Judge Grau relying on the reputation of the SPCA and the alleged integrity of the Crown Solicitor's Office to the detriment of the defendants. With regards to her decision*
- a. *Judge Grau emphasises the number of dogs, what provision is there in the Animal Welfare Act with regards to the number of animals that a person can have if the animal is healthy?*
 - b. *What provision is there for an inspector to take a dog subject it to tests and x-rays to determine if the apparently healthy dog has any genetic issues?*
 - c. *What provisions exist for an animal's owner to have an independent second opinion by a vet not associated with the RNZSPCA or one employed by the defendants?*
 - d. *And with regards to para 22 in the Sentencing Report what obligation does an owner have to tell the SPCA the exact numbers of animals they have and where is that provision in legislation?*
 - e. *In the Sentencing Decision at 70 the judge refers to the SPCA having made a comment about the transfer of ownership, please find out from the Board if this quote was sanctioned by the Board and what input the Board of the 'RNZSPCA has had in this case?*

As noted above, MPI understands that you have raised concerns with the Attorney General regarding Crown Solicitors representing the SPCA in the proceedings brought against Ms Wallace and Ms Glover and that Crown Law has responded to you in relation to those matters.

It is not appropriate for MPI to comment on a sentencing decision for a proceeding that the Ministry was not a party to. If you have any concerns regarding the matters taken into account by the Court in sentencing Ms Wallace and Ms Glover you may wish to obtain legal advice.

Regarding your questions about the provisions of the AWA, the provisions of the AWA are found either in the Act itself, or the associated codes of welfare and regulations.

- With reference to section 18(d) of the OIA, the AWA is publicly available at the following link: <https://www.legislation.govt.nz/act/public/1999/0142/latest/DLM49664.html>.
- All animal welfare codes are available on the MPI website at the following link: <https://www.mpi.govt.nz/animals/animal-welfare/codes/all-animal-welfare-codes/>.
- The Animal Welfare (Care and Procedures) Regulations 2018 are available at the following link: [Animal Welfare \(Care and Procedures\) Regulations 2018 \(LI 2018/50\) \(as at 09 May 2021\) – New Zealand Legislation](#).

As I advised you in my 19 July 2022 letter, if you have any concerns regarding the actions or omissions of a veterinarian in relation to the dogs seized from Ms Glover and Ms Wallace or puppies born to the dogs seized, including any concerns regarding diagnostic or treatment methods a veterinarian used or did not use, the appropriate body to raise those concerns with is the Veterinary Council of New Zealand.

Section 138 AWA relates to the situation where an inspector, auxiliary officer or veterinarian finds a severely injured or sick animal and forms the opinion that the animal found should be destroyed. That section of the AWA contains provisions relating to the potential for the animal's owner (if they can be found within a reasonable time) to obtain a second opinion from a veterinarian as to whether the animal should be destroyed.

With reference to section 18(g) of the OIA, MPI does not hold information regarding whether a comment made to the Judge during the sentencing of Ms Wallace and Ms Glover was sanctioned by the SPCA Board or what input the SPCA board had in the SPCA's proceedings in relation to Ms Wallace and Ms Glover.

26. Please provide the policies which allow the SPCA to take a complaint from Dog Control Officers where the Dog Control Officer has not attended the scene and is simply passing on a barking dog complaint?

With reference to section 18(g) of the OIA, MPI does not hold the information on what specific policies, if any, the SPCA has in relation to complaints it receives from Council dog control officers.

However, I note that the SPCA's Performance and Technical Standards for inspectors provide that the SPCA should, with some minor exceptions, take complaints according to the agreed areas of responsibility for the SPCA and MPI referred to in the MOU between those parties. Under that MOU, complaints in relation to companion animals are almost always the domain of the SPCA.

27. What policies exist for the SPCA to give animals to a public service employee in return for assistance e.g., giving Heatley a puppy and his involvement in both raids?

With reference to section 18(g) of the OIA, as noted above MPI does not hold any information regarding the SPCA's policies for re-homing animals.

In your 8 June 2022 complaint to MPI you alleged that SPCA staff provided a puppy born to a dog seized from Ms Wallace and Ms Glover to the Council dog control inspector who assisted the SPCA in seizing dogs from Ms Wallace and Ms Glover. As I advised you on 29 June 2022, under the MOU between MPI and the SPCA, each party to that MOU is responsible for investigating and resolving any complaints about the actions or omissions of its own staff (unless the complaint relates to an SPCA inspector or auxiliary officer and the SPCA elects to refer the complaint to MPI for investigation). Therefore, MPI has referred those aspects of your 8 June 2022 complaint relating to alleged actions or omissions by current or former SPCA staff to the SPCA. Consistent with the terms of the MOU, I have asked the SPCA to notify the MPI of the outcome of any of your complaints which relate to the actions or omissions of an SPCA inspector or auxiliary officer.

28. What provisions are there with regards to tainted scenes both the Haybarn and the gully were visited by Heatley before the SPCA inspectors arrived on the scene? In both instances they knew he had been there before them. What obligations were there on the Inspectors to advise that the scene may have been compromised through his visit?

With reference to section 18(g) of the OIA, MPI does not hold any information regarding how visits by SPCA inspectors or Council dog control officers to Ms Wallace and Ms Glover's kennels were undertaken or what information regarding those visits was disclosed to Ms Wallace, Ms Glover, the

solicitors representing either of them, or the Courts. If you have concerns regarding those matters you may wish to obtain legal advice.

29. *Body Worn Camera footage and vet reports were deliberately withheld, and an expert witness Flint happened to be a fellow member of a very select association in New Zealand together with Jess Beer the SAFE activist vet. Jess is one of only eight Veterinarians with the qualification of MANZCVS Else Flint is also a member see here. What provision is there for:*
- a. *Withholding SPCA evidence from Trial?*
 - b. *Selection of a close associate as an expert witness?*

With reference to section 18(g) of the OIA, MPI does not hold any information regarding either:

- the evidence disclosed to Ms Wallace, Ms Glover, the solicitors representing either of them, or the Courts by the SPCA in relation to the SPCA's proceedings in relation to Ms Wallace and Ms Glover; or
- the SPCA calling expert witnesses in the SPCA's proceedings in relation to Ms Wallace and Ms Glover.

If you have concerns regarding those matters you may wish to obtain legal advice.

30. *Please advise the accountability provisions that were followed, and provide evidence of the fact that in this prosecution the prosecution was out in accordance with the*
- a. *Approval of the Board*
 - b. *Oversight of the RNZSPCA*
 - c. *Solicitor General's Guidelines*
 - d. *The Criminal Procedure ACT*
 - e. *Bill of Rights*
 - f. *Animal Welfare Act*

With reference to section 18(g) of the OIA, MPI does not hold the information you have requested in this part of your request. The decision to prosecute Ms Glover and Ms Wallace was made by the SPCA in its capacity as an approved organisation and the decision to convict Ms Glover and Ms Wallace of offences under the AWA as a result of that prosecution was made by the District Court.

31. *The RNZSPCA is not subject to the Official Information Act request, but I believe that the Ministry would obtain evidence from them as per the MOU, please provide the minutes of the meetings where the Board*
- a. *decided to instruct legal council in this case*
 - b. *Reviewed the evidence*
 - c. *There were fundraising drives for this matter how much money was specifically fundraised for this through web sites, facebook?*

With reference to section 18(g) of the OIA, MPI does not hold the information you have requested in this part of your request.

32. *The performance and technical standards 2012 were to be reviewed two years after being signed they were signed in 2013. When were they next reviewed?*

The 2012 Performance and Technical Standards were superseded by the 2019 Performance and Technical Standards, issued in July 2019. The 2019 Performance and Technical Standards are publicly available at the following link:

<https://fyi.org.nz/request/11618/response/43077/attach/5/MPI%20SPCA%20PTS%20May%202019%20Signed.pdf>.

33. *It appears that the technical standards were not reviewed until 2019 In this document it simply states “SPCA must have in place a policy and procedure for prosecutions” has a copy been provided to MPI if so please provide a copy.*

- a. *The document also requires a policy to be in place for search warrants and infringement notice procedure. If you hold copies of those please provide them and advise if you can obtain copies in the interest of transparency.*

With reference to section 18(g) of the OIA, MPI does not hold the SPCA policies for search warrants or prosecutions nor does it hold a copy of the SPCA's infringement procedure.

34. *In the intervening years 2013-19, it would appear that the 2012 technical standards were in operation*

- a. *At point 212 they state Overall, the investigating or prosecuting Inspector retains responsibility for the welfare of the animal. Please advise if prosecution of Lauri Davis and Kevin Plowright has been considered for the neglect of the ill dogs Zeta Paris Astro Mafia which they charged the defendants with as being ill on 13 October 2017 and left for 2 weeks without vet attention in the pound unwashed and untreated?*

In your 8 June 2022 complaint to the MPI about the SPCA you raised concerns about the SPCA's care and treatment of dogs seized by the SPCA from Ms Glover and Ms Wallace and subsequently disposed of. As I advised in my 19 July 2022 letter to you in response to that complaint, it would be inappropriate for the MPI to question, or seek to look behind, findings made by the Courts in the proceedings the SPCA took against Ms Wallace and Ms Glover. This includes it being inappropriate for MPI to look into concerns regarding the SPCA's treatment or care of dogs that were raised by Ms Wallace or Ms Glover at the defended hearing in relation to the SPCA prosecution in January and February 2022, given that (after both parties had the opportunity to present evidence and cross-examine the other party's witnesses at that hearing) the District Court made findings of fact in its judgment of 31 March 2022 which did not uphold those concerns.

- b. *At point 248 the Inspector was required to liaise with the SPCA National Inspectorate and Centre Support Team please advise if this was followed and if not why not?*
- c. *Point 250 requires the Inspector to recommend to his/her SPCA Centre Committee that information's be laid. Please advise if this was followed and which committee reviewed and approved the request?*
- d. *Records Paragraph 258 requires records of an investigation to include: including animal identification and examination record; there was no on site vet examination despite a vet being present and Plowright, as shown on the body camera footage appeared to make decisions as to which dogs to seize he decides not to take microchip numbers thereby not complying with the procedures.*
- e. *This paragraph was also ignored in that the fact that Police Officers and the Dog Control Officers were not recorded.*
- f. *Para 261 the records are to be kept for 5 years since the first visit was on 28 July 2017, we ask the MPI to act with urgency to secure all records and provide copies of all documentation relied on by the inspectors. This information can be provided to MPI on written request stipulating that the reason for the request is to investigate the conduct of the Inspectors.*

With reference to section 18(g) of the OIA, MPI does not hold the information you have requested in this part of your request.

As I advised you on 29 June 2022, under the MOU between MPI and the SPCA, each party to that MOU is responsible for investigating and resolving any complaints about the actions or omissions

of its own staff (unless the complaint relates to an SPCA inspector or auxiliary officer and the SPCA elects to refer the complaint to MPI for investigation).

35. *Microchipping this is a legislative requirement on dog owners for non-working dogs, even though these were working dogs they were microchipped (at the insistence of Heatley), and the microchips were confirmed by him just prior to SPCA visits. Heatley did not give evidence despite being on the list of witnesses to be called.*
- a. *on whose instructions was he not called? What instructions and processes are in place for Inspectors to properly record the identification of dogs seized and if this exist why was it not followed?*
 - b. *Several dogs which already been microchipped were allegedly microchipped again. Why? The possibility therefore exists that this allowed for substituting one dog for another.*

With reference to section 18(g) of the OIA, MPI does not hold the information you have requested in this part of your request.

Should you have any concerns with this response, I would encourage you to raise these with the MPI at Official.InformationAct@mpi.govt.nz. Alternatively, you are advised of your right to also raise any concerns with the Office of the Ombudsman. Contact details are: Office of the Ombudsman, PO Box 10152, Wellington 6143 or at info@ombudsman.parliament.nz.

Nāku iti noa, nā



Gary Orr
Director Compliance Services